

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty 2365-76

Dkt.

C# M#

RICHARD, H. et al.

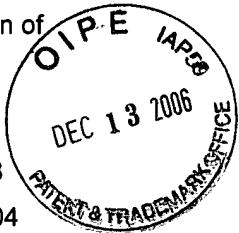
TC/A.U. 1616

Serial No. 10/804,128

Examiner: Dodson

Filed: March 19, 2004

Date: December 13, 2006

Title: PHOTOPROTECTIVE COSMETIC COMPOSITIONS CONTAINING AROMATIC
AMIDE, SULPHONAMIDE...

IFW/J

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.**Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 0 minus highest number previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)

Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$ 120.00

Terminal disclaimer enclosed, add
\$130.00 (1814)/ \$65.00 (2814) \$

Applicant claims "small entity" status. Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: \$ 0.00

TOTAL FEE ENCLOSED \$ 120.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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BJS:

NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: /B. J. Sadoff/



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

RICHARD, H. et al.

Atty. Ref.: 2365-76; Confirmation No. 6388

Appl. No. 10/804,128

TC/A.U. 1616

Filed: March 19, 2004

Examiner: Dodson

For: PHOTOPROTECTIVE COSMETIC COMPOSITIONS CONTAINING AROMATIC AMIDE, SULPHONAMIDE...

* * * * *

December 13, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

12/14/2006 HMARZI1 00000066 10804128

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120.00 0P

Sir:

RESPONSE

Responsive to the Official Action dated October 25, 2006, the applicants elect, with traverse, the subject of the Examiner's Group I.

Reconsideration and withdrawal of the restriction requirement, and examination of all of the claims, are requested in view of the following. The stated basis for the restriction requirement is as follows:

"In the instant case the process for using the product as claimed can be practiced with another materially different product such as titanium dioxide or a cinnamate." See page 3 of the Office Action dated October 25, 2006.

The Examiner is understood to be asserting that the process of claim 28 (i.e., the only process claim and a member of the Examiner's Group I) for using the claimed product can allegedly be practiced with another materially different product than the

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compound of claim 27 (i.e., the subject of the alleged separately patentable invention of the Examiner's Group II). The Examiner is requested to advise the undersigned in the event the applicants have misunderstood the stated basis for the restriction requirement.

The restriction requirement should be withdrawn as the process of claim 28 (i.e., the only process claim and a member of the Examiner's Group I) for using the claimed product of claim 27 requires the use of the claimed product. The Examiner has not demonstrated that the same process of claim 28 could be practiced with a different product and it is unclear how the Examiner could demonstrate the same when the process claim itself requires use of the product of claim 28. While adjuvants and/or other compounds may be used in the process of claim 28 in addition to the product of claim 27, the process of claim 28 requires the use of a compound of the alleged separately patentable Group.

Withdrawal of the restriction requirement or further clarification is requested.

An early and favorable Action on the merits of all of the claims is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____ /B. J. Sadoff/
B. J. Sadoff
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